

(Draft – Awaiting Formal Approval)
**MINUTES OF THE
BUSINESS AND LABOR INTERIM COMMITTEE**
Wednesday, July 17, 2013 – 9:00 a.m. – Room 210 Senate Building

Members Present:

Rep. James A. Dunnigan, House Chair
Sen. J. Stuart Adams
Sen. Gene Davis
Sen. Deidre M. Henderson
Sen. Karen Mayne
Sen. John L. Valentine
Rep. Jacob L. Anderegg
Rep. Johnny Anderson
Rep. Jim Bird
Rep. Derek E. Brown
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Eric K. Hutchings
Rep. Dana L. Layton
Rep. Mike K. McKell
Rep. Dixon M. Pitcher

Rep. Marc K. Roberts
Rep. Jon E. Stanard
Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Brad R. Wilson

Members Absent:

Sen. Curtis S. Bramble, Senate Chair

Staff Present:

Mr. Bryant R. Howe, Policy Analyst
Ms. Christine R. Gilbert, Associate General Counsel
Ms. Patricia Owen, Associate General Counsel
Ms. Jennifer K. Christopherson, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Dunnigan called the meeting to order at 9:07 a.m. Sen. Bramble was excused from the meeting.

MOTION: Rep. Duckworth moved to approve the minutes of the June 19, 2013, meeting. The motion passed unanimously with Sen. Valentine, Rep. Brown, Rep. Hutchings, Rep. Pitcher, and Rep. Wilson absent for the vote.

2. Sunset Review: Notice of Trustee Sale and Posting of Notice

Sen. Wayne Harper gave an overview of "Utah Code, Section 57-1-25, Notice of trustee's sale – Description of Property – Time and place of sale," which was distributed in the mailing packet. Sen. Harper said that Subsections (1)(c), (3)(b), and (4) of Section 57-2-25 are scheduled to sunset on December 31, 2014, and explained that these provisions of the Utah Code are having their intended effect of providing adequate notice to homeowners and renters. Sen. Harper recommended that these subsections be reauthorized for an additional two years.

MOTION: Rep. Stanard moved to open a bill file under committee sponsorship and to prioritize for drafting the bill to extend to December 31, 2016, the sunset date of Subsections 57-1-25 (1)(c), (3)(b) and (4). The motion passed unanimously with Sen. Davis, Sen. Valentine, Rep. Brown, Rep. Hutchings, Rep. Pitcher, and Rep. Wilson absent for the vote.

3. Sunset Review: Utah Injured Worker Reemployment Act

Mr. Jaceson Maughan, Deputy Commissioner, Utah Labor Commission, gave background information and an overview of draft legislation "Injured Worker Reemployment Amendments" (2014FL-0066/005). He said that the bill added a section that would encourage employers to consider reemployment of injured workers with a disability.

MOTION: Sen. Mayne moved to adopt draft legislation "Injured Worker Reemployment Amendments" as a committee bill. The motion passed unanimously with Rep. Hutchings, Rep. Pitcher, and Rep. Wilson absent for the vote.

4. Public Comment: 2013 General Session Alcohol Related Legislation, Transfer of Retail Licenses, and Creation of Hotel Licenses

Ms. Julie Wilson, Food and Beverage Director, Deer Valley Resort, and member, Alcoholic Beverage Control Advisory Board, discussed the so called "intent to dine" law that certain retail licensees must follow. She said that requiring a server to receive a verbal confirmation that the patron intends to dine is awkward for servers and guests. She responded to questions from the committee by saying that the different rules for restaurants and social dining clubs is confusing and frustrating for guests.

Mr. Paul Mero, President, Sutherland Institute, said that the Legislature should reevaluate state liquor policy every five years and that the blood alcohol content level for driving under the influence of alcohol should be lowered.

Mr. Peter Erickson, Co-Founder, Epic Brewing Company, spoke about the "intent to dine" and advocated that the Legislature repeal this law. He responded to questions from the committee by saying that there are substantial differences between a bar and a restaurant.

Mr. Sal Petilos, Director, Department of Alcoholic Beverage Control, discussed the intent to dine law and said that the Department of Alcoholic Beverage Control is concerned about equal treatment and keeping restaurants from operating like a bar. He responded to questions from the committee by saying that the idea behind the recent change in the "intent to dine" law was to provide a safe harbor for restaurants.

Ms. Laura Bunker, Director, United Families for Utah, distributed "Alcohol is the #1 drug of choice for youth, and a major gateway to other problems" and said that alcohol regulation is not about religion, hospitality, or business, it is about the regulation of a mind-altering drug to protect society.

Mr. Kye Nordfelt, Research Analyst, Utah County Drug and Alcohol Prevention and Treatment, gave the presentation "If You Increase Availability, They Will Consume" and stated that alcohol is the third leading preventable cause of death in the United States and that the availability of alcohol is directly correlated with crime rates. He responded to questions from the committee by saying that Utah alcohol laws reduce the overall prevalence of alcohol use in our population.

Ms. Melva Sine, President and CEO, Utah Restaurant Association, said that restaurants sell only a very small percentage of the alcohol consumed in Utah and that there are no data to support the argument that the storage and dispensing of alcohol in open view promotes overconsumption or underage consumption of alcohol.

Mr. Art Brown, former president, Mothers Against Drunk Driving, stated that limiting the exposure of alcohol to youth is helpful and that a separate preparation area is important.

5. Practicing Law Without a License

Rep. Brad L. Dee distributed and discussed 2013 First Special Session H.B. 1002, "Practicing Law Without A License Amendments," which provides that the court rule that authorizes the practice of law without a license under certain circumstances is an exception to the prohibition of the unauthorized practice of law. He explained that the bill would allow an attorney who is licensed to practice law in another state to provide services for the House Special Investigative Committee under the license of a Utah attorney. He responded to questions from the committee by stating that in awarding the contract to provide legal services there will be no preferential treatment given to an out-of-state respondent.

Mr. John Fellows, General Counsel, Office of Legislative Research and General Counsel, said that if the Request for Proposal is awarded to an out-of-state counsel, the counsel would need authorization to practice law in Utah. He responded to questions from the committee by saying that the Request for Proposal requires that any out-of-state attorney show proof of insurance before the attorney will be accepted.

MOTION: Sen. Valentine moved to favorably recommend H.B. 1002 "Practicing Law Without A License Amendments." The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Mayne, Rep. Layton, and Rep. Wiley absent for the vote.

6. Private Investigator Regulation Act Amendments

Rep. Dee distributed and discussed 2013 First Special Session H.B. 1003, "Private Investigator Regulation Act Amendments." He said that the bill provides for a limited use license for a person to provide private investigator or private detective services to a legislative body under certain circumstances.

MOTION: Sen. Valentine moved to favorably recommend H.B. 1003 "Private Investigator Regulation Act Amendments." Committee discussion followed.

Mr. Fellows explained how the current private investigator licensing operates and discussed the importance of a credible investigative process.

The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Mayne, and Rep. Wiley absent for the vote.

7. Other Items / Adjourn

Chair Dunnigan informed the committee that the next meeting would be held on Wednesday, September 18, 2013, at 9:00 a.m.

MOTION: Rep. Bird moved to adjourn the meeting. The motion passed unanimously with Sen. Adams, Sen. Davis, Sen. Mayne, and Rep. Wiley absent for the vote.

Chair Dunnigan adjourned the meeting at 11:08 a.m.

